



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/942,071	10/01/97	NOURI	A MNFRAME. 045A

LM51/0622
KNOBBE MARTENS OLSON & BEAR
620 NEWPORT CENTER DRIVE
SIXTEENTH FLOOR
NEWPORT BEACH CA 92660-8016

EXAMINER

NAJJAR, S

ART UNIT

PAPER NUMBER

2758

DATE MAILED 16/22/99

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/942,071

Applicant(s)
Nouri et al.

Examiner
Saleh Najjar

Group Art Unit
2758



☒ Responsive to communication(s) filed on Apr 7, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-37 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-37 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 9 and 10

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

1. This action is responsive to the amendment filed on April 7, 1999. Claims 17-37 are newly added. Claims 1-37 are pending examination. Claims 1-37 represent a method directed toward displaying system status.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. **The declaration under 37 CFR 1.131 is insufficient to overcome the rejections based on the Giorgio reference**

Applicant's Exhibits A-G, has no reference to the combined claimed feature, and fails to support Applicant's statement regarding the conception of the claimed invention prior to November 12, 1996.

Regarding the date of **reduction to practice**, Applicant's Exhibit A-G, provides no description "the remote interface, executing the command on the micro controller, and sending a retrieve or update system status signal from the micro controller to the first computer thereby retrieving or updating system status" have been provided. No description of the claimed invention have been provided.

The current declaration is silent regarding the functionality and operability of updating system status for a computer.

For all the reasons discussed above, the evidence submitted is insufficient to establish a reduction to practice of the invention in this country prior to the date of the Giorgio (reference).

Again, the evidence as a whole contains no sketches, blue prints, notes, records of meetings etc.

5. Claims 1-6, and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Giorgio et al., U.S. Patent No. 5,761,085.

Giorgio teaches the invention substantially as claimed including a method for monitoring environmental parameters at network sites.

As per claim 1, Giorgio teaches the claimed limitation of sending a command for remotely retrieving or updating system status from a second computer through a remote interface to a first computer using controller 210, interface 64, and station 200N (see figs. 1-2; col. 4).

Giorgio teaches the claimed limitation of executing the command on a micro controller in the first computer using the controllers 212A-212N (see figs. 1- 2; col. 6, lines 7-25).

Giorgio further teaches the claimed limitation of sending a retrieve or update system status signal from the micro controller to the first computer thereby retrieving or updating the system status (see col. 8).

As per claim 2, Giorgio teaches the claimed limitation of providing power to the remote interface from a remote interface power supply independent of a first computer power supply (see

col. 8).

As per claims 3, and 4, Giorgio teaches the claimed limitation wherein the second computer is at the same location as the first computer and wherein the second computer is at a location remote to the first computer since it is disclosed by Giorgio that controllers 212A-N can be monitored by local site computers 200A-200N or by manager 210 (see col. 4).

As per claim 5, Giorgio teaches the claimed limitation wherein the act of sending the remotely retrieving or updating system status command from the second computer includes the act of connecting a pair of modems, wherein a first modem connects to the first computer and a second modem connects to the second computer (see col. 4, lines 5-15).

As per claim 6, Giorgio teaches the claimed limitation further including the act of providing a response to the second computer through the remote interface based on results of the command (see fig. 5; col. 8).

As to claim 22, Giorgio teaches the claimed limitation of connection the remote interface proximately to the first computer (see col. 4).

As to claim 23, Giorgio teaches the claimed limitation wherein the act of executing the command includes the act of sending data to the micro controller of the first computer since it is disclosed in Giorgio that the parameter value to be monitored is sent to the micro controller 42 (see col. 8).

As to claim 24, the claimed limitation wherein the micro controller comprises a central processing unit controller (see fig. 3).

6. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giorgio et al., U.S. Patent No. 5,761,085 in view of Ote et al., U.S. Patent No. 5,815,652.

As to claims 25, and 26 Giorgio does not explicitly teach the claimed limitation of providing power from the remote interface power supply to the first computer when the first computer power supply fails and wherein the act of providing a response includes the act of storing response data in a remote interface memory.

However, Ote teaches a computer management system for monitoring fault in the

computer to be managed and controlling power of the computer to be managed. The claimed limitation of providing power from the remote interface power supply to the first computer when the first computer power supply fails and wherein the act of providing a response includes the act of storing response data in a remote interface memory is taught by Ote using the SVP board and asynchronous interface (see figs. 5-23; col. 10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Giorgio by providing power from the remote interface power supply to the first computer when the first computer power supply fails and providing storing response data in a remote interface memory. One would be motivated to do so to perform future analysis on the received data.

7. Claims 7-21, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giorgio et al., U.S. Patent No. 5,761,085.

As per claim 7, Giorgio teaches the claimed limitation of connecting a remote interface to a first computer and a second computer and providing a retrieving or updating system status command at the second computer directed to the first computer (see figs. 1-2; col. 4).

Giorgio does not explicitly teach the claimed limitation of encapsulating the command in a communications protocol and transmitting the encapsulated command to the remote interface. However, Giorgio discloses that protocols for communicating over various networks may be used in the network of figure 1 (see col. 8; lines 1-10).

“Official Notice” is taken that the concept and advantages of encapsulating a command in communication protocol is notoriously well known in the data communication art and therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Giorgio by encapsulating the command into a communication protocol.

Giorgio further teaches the claimed limitation of communicating the command received by the remote interface to the first computer; and performing the command on the first computer (see col. 8).

As per claim 8, Giorgio teaches the claimed limitation wherein the act of performing the command includes the act of establishing a secure mode in the computer environment (see col. 8,

lines 1-15).

As per claims 9, and 10, Giorgio teaches the claimed limitation wherein the act of performing the command includes the act of sending data to a component of the first computer. And wherein the act of performing the command includes the act of requesting data from a component of the first computer (see col. 7-8).

As per claims 11-12, Giorgio teaches the claimed limitation wherein the act of communicating the command includes the act of storing command data in a memory associated with the remote interface and further including the act of providing a response to the second computer through the remote interface based on results of the command (see col. 6-8).

As per claim 13, Giorgio teaches the claimed limitation wherein the act of providing a response includes the act of storing response data in a memory associated with the remote interface (see col. 5-7).

As to claim 28-29, Giorgio teaches the claimed limitation wherein the act of performing the command on the first computer includes the act of updating data on a central processing unit controller, and wherein the data being updated comprises fan speed data (see col. 4-8).

Claims 14-21, and 31-32 do not teach or define any limitation above claims 1-13, 22-24 and therefore are rejected for similar reasons.

8. Claims 22, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giorgio et al., U.S. Patent No. 5,761,085 in view of Ote et al., U.S. Patent No. 5,815,652.

As to claims 22, and 27, Giorgio does not explicitly teach the claimed limitation wherein the act of connecting a remote interface to a first computer includes the act of proximately locating the remote interface to the first computer.

However, this is taught by Ote using the SVP board 121 (see fig. 23; col. 5-6, col. 10-12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Giorgio by proximately locating the remote interface to the first computer as taught by Ote. One would be motivated to do so to allow for transparent network environment and remote access function.

As to claim 28-30, Giorgio teaches the claimed limitation wherein the act of performing

the command on the first computer includes the act of updating data on a central processing unit controller, and wherein the data being updated comprises fan speed data (see col. 4-8).

9. Claims 33-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Ote et al., U.S. Patent No. 5,815,652.

Ote teaches the invention as claimed including a computer management system for remotely controlling and monitoring system parameters.

As to claim 33, Ote teaches the claimed limitation of sending a command for remotely updating system status from a second computer through a remote interface to a first computer using remote managing computer 27, and computer to be managed 10 (see figs. 1, 23; col. 6-8).

Ote teaches the claimed limitation of executing the command on a micro controller in the first computer using the Agent 17 (see figs. 1, 23; col. 6-8).

Ote further teaches the claimed limitation of sending a update system status signal from the micro controller to the first computer thereby updating the system status (see col. 6-8).

As to claim 34, Ote further teaches the claimed limitation wherein the system status comprises a fan threshold or a temprature threshold (see col. 10).

10. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ote et al., U.S. Patent No. 5,815,652.

As per claim 35, Ote teaches the claimed limitation of connecting a remote interface to a first computer and a second computer and providing an updating system status command at the second computer directed to the first computer using remote managing computer 27, and computer to be managed 10 (see figs. 1, 23; col. 6-8).

Ote does not explicitly teach the claimed limitation of encapsulating the command in a communications protocol and transmitting the encapsulated command to the remote interface. However, Ote discloses that protocols for communicating over various networks may be used in the network of figure 1 (see col. 5).

“Official Notice” is taken that the concept and advantages of encapsulating a command in communication protocol is notoriously well known in the data communication art and therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify

Ote by encapsulating the command into a communication protocol.

Ote further teaches the claimed limitation of communicating the command received by the remote interface to the first computer; and performing the command on the first computer (see figs. 1, and 23; col. 5-8).

As to claims 36-37, Ote teaches the claimed limitation wherein the act of performing the command on the first computer comprises the act of updating a fan threshold or a temperature threshold (see col. 10).

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

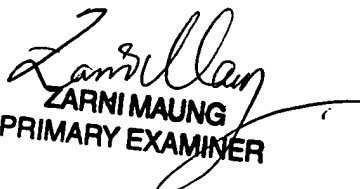
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 7:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Saleh Najjar
Examiner Art Unit 2758


ZARNI MAUNG
PRIMARY EXAMINER